

Exhibit 9



Dec 5 2011
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE") Master File No. 1:00-1898
Products Liability Litigation MDL 1358 (SAS)
M21-88

This Document Relates to:

City of Fresno v. Chevron U.S.A Inc., et al.
No. 04 Civ. 04973 (SAS)

Expert Site Specific Report of Marcel Moreau

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November 2, 2011

Red Triangle

2809 South Chestnut Avenue, Fresno

Note: This station is known as Triangle Station #010 and Inter-City Petroleum Marketers. In 2002, the facility was described as a bulk petroleum product storage facility for retail and wholesale distribution, consisting of a steel-framed slab on grade warehouse structure, wash rack area, ASTs, two containment basins, USTs, a card-lock fuel dispensing facility, a three-compartment oil/water separator, and a storm water recharge basin with most of the site paved with asphaltic concrete.

MAJOR MILESTONES

April 1990	The USTs at the site consisted of two separate facilities: <ul style="list-style-type: none">• Red Triangle Oil Co. - Two 20,000-gallon (premium & NL) USTs and five 12,000-gallon (one regular, two diesel, one solvent and one kerosene) USTs.• Triangle Station #010 - Four 10,000-gal USTs containing premium, NL, regular, and diesel (the cardlock facility).
June 21, 1995	The number of tanks at the site was corrected to five 10,000-gallon, two 20,000-gallon, and five 12,000-gallon.
Sept 23, 1998	Four 10,000-gallon single-wall steel USTs were removed.
Dec 14, 1998	Eight USTs were removed, including two 20,000-gallon tanks (regular and plus gasoline), five 12,000-gallon tanks (premium gasoline, clear diesel, red diesel, and kerosene), and one 10,000-gallon tank (weed oil). TPHg and MtBE were detected in samples collected from beneath the gasoline tanks.
Sept 26, 2002	A report listed three USTs at the site: 13,000-gallon unleaded, 7,000-gallon unleaded, and 20,000-gallon diesel. All USTs were double-wall FRP tanks.
Feb 2003	Three monitoring wells were installed at the site, and quarterly groundwater monitoring was initiated.

April 28, 2003	An investigation confirmed petroleum-related impacts, including MtBE contamination, of both soil and groundwater.
March 10, 2004	A study was conducted to assess the lateral and vertical extent of impacts to soil and groundwater related to the former USTs. Two additional monitoring wells were installed.
March 2007	One new monitoring well was installed and five air sparge wells were completed to approximately 75 ft bgs.
Nov 25, 2008	Groundwater monitoring continued, with MtBE reported in 5 of the 6 monitoring wells at the site.

SPILL/LEAK EVENT CHRONOLOGY

Sept 23, 1998	UST Abandonment Inspection Report: Four 10,000-gallon single-wall (SW) steel USTs were removed. The dispensers and islands, located over one end of the tanks, were removed prior to the tank removal. No discoloration or odor was noted at the time of the inspection. All tanks were reportedly slightly rusted, but in good condition with no holes observed. Soil samples were collected from the tank excavation for analysis of TPHg, BTEX, and MtBE. Soil samples were not collected in the dispenser area because of the proximity of the dispensers to the tanks.
Dec 14, 1998	UST Abandonment Inspection Report: Eight USTs were removed, including two 20,000-gallon tanks (reg and plus), five 12,000-gallon tanks (premium, clear diesel, red diesel, and kerosene), and one 10,000-gallon tank (weed oil). Tanks 1 through 5 were reportedly in good condition; tanks 6 through 8 were described as "slightly rusted with no noticeable holes". Some of the soil samples collected had a slight odor. Samples were analyzed for TPH, BTEX, and MtBE.
Aug 11, 2000	Official Inspection Report: Dispensers 2, 3, 4, & 5 were found to have fluid inside the dispenser containment described as "fuel/water." Dispenser 7/8 had an active diesel leak about 2-3-inches deep in the dispenser containment.
Sept 11, 2000	Official Re-inspection Report: All violations observed on 8/11/2000 had been corrected.
Dec 3, 2003	Letter from the County: An inspector observed a customer spill of one to two gallons of diesel during fuel dispensing at Pump #1. The

customer failed to report the spill. The County noted the need to maintain absorbent at the fuel island.

April 27, 2006 Inspection Report noted lack of LLDs and spill kits, and heavy staining in the dispenser area. The report indicated “No” to the statement, “Dispensers are free of leaks,” and indicated that “diesel dispensers wet.”

May 16, 2007 UST Official Inspection: The report indicated “No” to the statement, “Dispensers are free of leaks,” No further explanation was given.

SOIL/GROUNDWATER CONTAMINATION CHRONOLOGY

Sept 30, 1998 UST Removal Soil Sampling Report: Four 10,000-gallon SW steel tanks were removed on 9/23/1998. The tank bottoms were 12 ft bgs, and 8 soil samples were collected from between 15.5 and 19 ft bgs in the tank pit. No petroleum hydrocarbon odors were noted from the tank pit except a slight “aged diesel” smell at the southwest corner. The soil samples analyzed were ND (not detected) for TPHg, MTBE and BTEX; TPHd was not detected in the two samples collected under the former diesel tank location. The consultants recommended no additional environmental investigation associated with these fuel tanks at the site.

Dec 28, 1998 UST Removal Soil Sampling Report. Eight USTs were removed on 12/14/1998 (two 20,000-gallon, five 12,000-gallon, and one 10,000-gallon). [Note: The contents of the 10K tank were described as weed oil.] The tank bottoms were 12 ft bgs for the smaller tanks, and 16 ft bgs for the 20K tanks; 18 soil samples were collected from between 14 and 25 ft bgs in the tank pit. Four additional samples were collected from under the supply line to the warehouse. Some petroleum hydrocarbon odors were noted at the west end of the tank pit under the gasoline tanks. Analytical results for samples collected from beneath the gasoline tanks (Samples 11 – 18) contained up to 4,000,000 ppb TPHg (23 ft bgs), and 610 ppb MtBE (20 ft bgs). Additional environmental investigation was recommended.

April 28, 2003 Soil and Groundwater Characterization Report. An investigation was conducted in Feb 2003 to assess petroleum product constituents (PPCs) migration in subsurface soil and groundwater near the former USTs and dispenser islands. Eight soil borings (B1 to B8) were drilled, and three borings were finished as monitoring wells (MW-1 to MW-3). Groundwater was encountered at approximately 55 ft bgs. Soil and

groundwater samples were analyzed for TPHg, BTEX, MtBE, and other oxygenates at the request of the CRWQCB.

The report concluded that in the tank pit area, most of the soil impacts were in the groundwater smear zone between 35 and 55 ft bgs. MtBE was detected in several soil samples from this zone, at a maximum concentration of 2,300 ppb (B3, 56.5 ft bgs). The highest TPHg concentrations were measured in shallower samples (11.5 ft bgs) collected from B3 and B5 (1,700,000 ppb and 2,300,000 ppb, respectively). These two borings were located on the south side of the former UST tank pit.

MtBE was detected in groundwater samples from all three wells, at concentrations of 1.7 ppb (MW-3), 1,500 ppb (MW-1), and 8,000 ppb (MW-2). The highest concentrations of petroleum contaminants were detected in the groundwater from MW-2, located southwest of the former tank pit excavation, with benzene and TPHg detected at concentrations of 1,200 ppb and 46,000 ppb, respectively.

March 10, 2004

Additional Soil and Groundwater Characterization Report: On Oct 13-14, 2003, three soil borings (B-7 to B-9) were drilled to 55 ft bgs south of the former UST tank pit. Two monitoring wells (MW-4 and MW-5) were installed in these borings. Wells MW-1 to MW-5 were sampled on 11/6/2003 as part of the quarterly groundwater monitoring program initiated in Feb 2003.

Shallow soils above 30 ft bgs appeared to be impacted in the southern vicinity of the former UST locations, affecting an area of approximately 1,600 sq ft. Petroleum contaminated soils below 30 ft bgs appeared to encompass an area of approximately 11,300 sq ft in the vicinity of the former UST locations. MtBE was detected in the soil samples analyzed from B-7, B-8, and B-9 at concentrations ranging from 3.8 ppb in B-8 (56.5 ft bgs) to 1,100 ppb in B-7 (41.5 ft bgs). No concentrations of other fuel oxygenates were detected in the soil samples analyzed from these borings.

Of the 5 wells sampled in Nov 2003, only MW-1 and MW-2 contained detectable concentrations of analytes. MW-2 had the highest concentrations, with TPHg at 29,000 ppb and MtBE at 6,900 ppb.

Feb 21, 2006

Soil Vapor Extraction / Air Sparging Pilot Study Report and Corrective Action Plan: The extent of petroleum contaminated soil at concentrations greater than 100 ppm was estimated to extend up to 60 ft laterally around the former UST location. MtBE/TBA were

detected in groundwater samples at concentrations of 15,000/4,700 ppb in MW-1, and 9,100/ 3,000 ppb in MW-2.

June 18, 2007 Additional Well Installation and First Quarter Groundwater Monitoring Report. In March 2007, one new monitoring well (MW-6) was installed and five air sparge wells (AS-2 to AS-6) were completed to approximately 75 ft bgs. Subsurface soil borings to the west (AS-2), northwest (AS-3), and north (AS-4 and MW-6) of the former UST location contained detectable MtBE concentrations ranging from 4.6 ppb (55 ft bgs, MW-6) to 310 ppb (55 ft bgs, AS-2).

Groundwater samples were collected on March 23, 2007 from all six wells. Groundwater flow was reportedly to the northwest across the site. MW-2 had the highest MtBE level at 1,500 ppb. The downgradient well MW-6 contained 300 ppb TPHg, and 230 ppb MtBE.

Aug 15, 2008 MtBE was reported in MW-3 at 1,000 ppb; MTBE had historically been below lab reporting limits at this location.

Nov 25, 2008 Monitoring Well Sampling and Analysis, Third Quarter 2008: Detectable concentrations of MTBE were reported in MW-1 (670 ppb), MW-2 (120 ppb), MW-3 (1,000 ppb), MW-5 (12 ppb), and MW-6 (41 ppb).

IDENTIFICATION OF MTBE RELEASES

Tank Area Releases

The removal of three gasoline tanks in December of 1998 revealed the presence of MtBE in soils beneath the tanks. Contamination in the tank area is often the result of releases from the submersible pumps and adjacent piping, leaks from tank-top piping, and spills during deliveries. The releases were likely intermittent. The volume released is not known.

Soil and groundwater investigations in April of 2003 and March of 2004 reported that MtBE contaminated soils in the area of the tanks removed in December of 1998 extended to groundwater at about 55 feet bgs. Because storage tanks did not exist in this area after 1998, contamination detected in the course of these investigations was likely due to releases from the pre-1998 storage tanks.

Piping and Dispenser Area Releases

An inspection in August of 2000, likely of the cardlock facility, found evidence of fuel releases in the several dispenser containment sumps and an active leak in one dispenser. The specific

components responsible for these releases were not identified, but dispensers are common sources of releases (see general report in this case). The date when these releases began is not known, but they were repaired prior to September 11, 2000. The volume released is not known. No documents were reviewed for this facility indicating the integrity of the dispenser containment sumps, so it is not known whether these releases were contained within the dispenser sumps or whether some of the releases may have escaped to the environment. No soil sampling data associated with these dispensers was reviewed.

Inspections in April of 2006 and May of 2007 indicated that the dispensers, likely at the cardlock facility, were not free of leaks. The specific dispenser components at issue were not described, but dispensers are frequent sources of releases. The dates when these releases began or were repaired are not known. The volume released is not known. The integrity of the dispenser sumps is not known, so whether these releases were contained or may have escaped into the environment is not known.

Customer Spills

Customer spillage of a few gallons of diesel fuel was observed in November of 2003. An inspection in April of 2006 noted heavy staining in the dispenser area. Small spills are common during vehicle fueling activities and no doubt occurred throughout the time this facility was in operation.